

101/119/275

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 23.1.2019

(1) CRM-M-64799-2018 (O&M)

Suman Lata

..... Petitioner

Versus

State of Haryana

..... Respondent

(2) CRM-M-2959-2019 (O&M)

Arvind Kumar Arora

..... Petitioner

Versus

Suman Lata

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Partap Singh, Advocate for the petitioner.

Mr. Sandeep Vashisth, AAG, Haryana.

M/s K.D. S Hooda and Sandeep Malik, Advocate for
complainant in CRM-M-64799-2018 and
for petitioner in CRM-M-2959-2019.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

CRM-2451-2019

Present application is for placing on record Annexure C-1 dated
19.12.2018 and for exemption to file the certified copy and typed copy of
the same.

For the reasons mentioned in the application, same is allowed. Annexure C-1 dated 19.12.2018 is taken on record and exemption to file the certified copy and typed copy of the same is dispensed with.

Application stands disposed of.

CRM-2452-2019

Present application is for impleading the applicant-complainant as respondent No. 2

For the reasons mentioned in the application, applicant-complainant is ordered to be impleaded as respondent No. 2. Amended memo of parties is taken on record.

Application stands disposed of.

CRM-M-64799-2018

Heard.

This order shall dispose of above mentioned two petitions bearing No. ***CRM-M-64799-2018*** titled as '***Suman Lata Versus State of Haryana***' and ***CRM-M-2959-2019*** titled as '***Arvind Kumar Arora Versus Suman Lata***'. For brevity, the facts are being taken from ***CRM-M-64799-2018***.

The allegations in the FIR are that there is one Mill in the name and style of M/s Solan Spinning Mills Pvt. Limited at Baddi in Himachal Pardesh. It is alleged that the accused wanted to sell his share to the complainant-Arvind Kumar Arora. The said understanding was oral. Therefore, the complainant transferred the money from his account at Baddi to the accounts of the accused at Delhi. The complainant alleges that his shares have not been transferred and he has been cheated. The complainant

filed a criminal complaint before the Court of learned Viren Kadian, Judicial Magistrate Ist Class, Panchkula who sent the same to the police under Section 156 (3) of the Code of Criminal Procedure for registration of the case. There appears to be prima facie dispute as to whether the District Courts Panchkula had the jurisdiction or not? Learned Magistrate should have applied his mind on the facts of the case before blindly sending the case to the police for registration of the case.

In the circumstances, without going into the merits of the case, application is allowed, interim bail granted to the petitioner-Suman Lata vide order dated 01.01.2019, passed by this Court is made absolute.

Petition stands allowed.

However, it is directed that a communication be sent to the learned District and Sessions Judge, Panchkula to bring the provisions of Section 156 of the Code of Criminal Procedure to the notice of all the Magistrates and guide them in which cases, such jurisdiction has to be exercised to avoid the misuse of the process of the Court. Let the said matter be discussed by the learned District and Sessions Judge, Panchkula in the next monthly meeting with all the Magistrates so that people are not able to misuse the process of the Court.

CRM-M-2959-2019

Heard.

Petitioner seeks appropriate directions to initiate/register a case against respondent for misleading the Court by filing CRM-M-64799-2018 titled as 'Suman Lata vs. State of Haryana'.

Since *CRM-M-64799-2018* has been decided after hearing both the parties, for which the reasons are mentioned therein, there is no ground to proceed under Section 340 of the Code of Criminal Procedure.

Dismissed.

23.1.2019

preeti

(KULDIP SINGH)
JUDGE

Whether speaking / reasoned	Yes
Whether Reportable:	No